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## Judiciary Committee

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### ESSB 6315

**Title:** An act relating to liability protection for landlords.

**Brief Description:** Providing liability protection for landlords.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Benton, Roach, Mulliken, Oke, Schoesler, Schmidt, Regala, Delvin, Stevens, Benson, Sheldon and Esser).

#### Brief Summary of Engrossed Substitute Bill

- Provides that a landlord who rents to a registered sex offender is immune from civil liability for damages resulting from a sex offense committed by the sex offender, so long as the landlord disclosed to the other tenants that he or she is renting to a registered sex offender;
- Requires the Washington Association of Sheriffs and Police Chiefs to study other states' laws on sex offender registration, monitoring, and housing.

**Hearing Date:** 2/15/06

**Staff:** Trudes Tango (786-7384).

#### Background:

The Residential Landlord Tenant Act governs the relationship between landlords and tenants in residential dwelling units. The Act does not address a landlord's civil liability to a tenant for the criminal acts of other tenants. Under common law, a private party generally has no duty to protect another from the acts of a third party unless a special relationship exists between the private party and either the third party or the victim of the third party's conduct. Some jurisdictions have recognized that in limited circumstances, a landlord may have a duty to protect its tenants from the foreseeable criminal acts of others. However, Washington courts have not directly addressed that issue.

A person convicted of a sex offense or kidnapping offense must register with the sheriff of the county in which the offender lives. The offender must provide certain information when registering, such as his or her address, place of employment, and crime of conviction. Local law enforcement may release information on registered sex offenders based on the offender's risk level. Sex offenders on community custody must have their residences approved by the

Department of Corrections, and certain sex offenders are not allowed to live in designated "community protection zones."

**Summary of Bill:**

The legislature finds that more housing needs to be made available to registered sex offenders and when such offenders live in close proximity to each other they are more easily monitored and less likely to reoffend.

A landlord who rents to a registered sex offender is immune from civil liability for damages resulting from a sex offense committed by the registered sex offender. The immunity applies if the landlord disclosed to the residents that the landlord is renting or has a policy of renting to sex offenders.

The Washington Association of Sheriffs and Police Chiefs (WASPC) must conduct a study on every state's sex offender registration and housing laws. The study may be limited to reviewing: (a) each state's reporting requirements; (b) the frequency of in-person contacts between law enforcement and sex offenders; (c) the characteristics of registered sex offenders; (d) costs and benefits of more frequent in-person contact; (e) costs and benefits of housing multiple sex offenders; and (f) restrictions on or supports for sex offender housing. The WASPC must report back to the appropriate committees of the Legislature by December 31, 2006.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.